

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8515 of 2003

Dated: 29-06-2007

Between:

Kuchipudi Satyanarayana.

..... PETITIONER

AND

The Special Deputy Tahsildar (Tribal Welfare),
West Godavari District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8515 of 2003

ORDER:

First respondent herein filed a complaint before the Special Deputy Collector (Tribal Welfare), Kotaramachandrapuram, West Godavari District, alleging that the petitioner was in possession of the land in contravention of Section 3(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No.I of 1959, for brevity). After conducting enquiry, said authority rejected the case of first respondent and dropped the proceedings. Against said order dated 26.06.2001, first respondent preferred an appeal, being S.R.A.No.75

of 2003, before second respondent sometime in December, 2002. The same was taken on file and the notice of hearing was issued to the petitioner, aggrieved by which instant writ petition is filed.

The only ground urged in support of the writ petition is that the time prescribed for filing an appeal against the orders of the Special Deputy Collector as per Rule 8(2) of the Andhra Pradesh Scheduled Areas Land Transfer Rules, 1969, is two months, whereas the appeal was filed first respondent after lapse of two years without filing an application for condonation of delay. The legal position nor the factum of first respondent filing the appeal without a petition for condonation of delay is not denied. Therefore, the writ petition is disposed of directing second respondent to consider the question of delay in filing the appeal. It is open for first respondent to file appropriate application under Section 3(3)(b) of Regulation No.I of 1959. No costs.

(V.V.S.RAO, J)

29th June, 2007
ghn